



City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch, CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

DECEMBER 7, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m.

9:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

SPCA Pet of the Month – Acting President Perea

Presentation to the Finance Department of Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR), for the Fiscal Year ending June 30, 2003 – Mayor's Office

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of November 30, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. **RESOLUTION** – Approving the Final Map of Tract No. 5228 and accepting dedicated public uses therein; authorize Public Works Director, Fire Chief, and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- B. * Award a requirements contract to National Waterworks of Fresno for tapping sleeves & gate valves (Rebid) - General Services Dept/Dept of Public Utilities
Action Taken:
- C. Accept a Safe Routes to School Grant from the State of California in the amount of \$220,200 for the installation of a traffic signal at the intersection of Clinton Avenue and Ninth Street in the proximity of Wishon Elementary School, with a total project cost of \$258,500 – Public Works. Dept.
Action Taken:
1. * **RESOLUTION** - 47th amendment to AAR No. 2004-209 appropriating \$245,200 and reallocating \$13,300 for the Clinton/Ninth traffic signal project ***(Requires 5 affirmative votes)***
Action Taken:
- D. Adopt the Side Letter Agreement between the City of Fresno (City) and the Fresno City Employees Association (FCEA) Non-Supervisory White Collar (Unit 3), to be attached to the current Memorandum of Understanding (MOU) – Personnel Dept.
Action Taken:
- E. Adopt the Memorandum of Understanding (MOU) between the City and the International Brotherhood of Electrical Workers (IBEW), Unit 07, covering the period July 1, 2004 through June 30, 2007 – Personnel Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. Approve a lease to provide for the relocation of the Public Works, Construction Management Division Office from 1919 E. McKinley Avenue to 1721 Van Ness Avenue and authorize the City Manager to sign the lease – Public Works Dept.
Action Taken:
- G. **RESOLUTION** – Approving the summary vacation of portions of the relinquishment of access rights along the west side of Milburn Avenue north of Herndon Avenue – Public Works Dept.
Action Taken:
- H. Approve the sale of real property located at the southeast corner of North Avenue and Clara Avenue – Public Works Dept.
Action Taken:
- I. **BILL – (For introduction)** – Amending Section 2-1203 of the Fresno Municipal Code relating to processing of claims against the City – City Attorney's Office
Action Taken:
- J. * **BILL NO. B-135 – (Intro. 11/30/2004) (For adoption)** – Amending Section 2-3210(c) of the Fresno Municipal Code, relating to parking, stopping, standing and adherence to signs and curb markings at the Fresno Yosemite International Airport (FYI) – Airports Department
Action Taken:
- K. * **BILL NO. B-125 – (Intro. 11/30/2004) (For adoption)** – Adding Subsection (d) to Section 13-1200.800 of the Fresno Municipal Code, relating to posting placards on dangerous buildings for firefighter safety – Fire Dept.
Action Taken:
- L. * **BILL – NO. B-134 – (Intro. 11/30/2004) (For adoption)** – Amending Subsection (b) of Section 9-804 of the Fresno Municipal Code, regarding designating violations of the Fresno Fire Code and public nuisances – Fire Dept.
Action Taken:
- M. * **BILL – (For re-introduction)** – Adding Subsection 25 to Section 8-401 of the Fresno Municipal Code, relating to prohibiting smoking in parks – PR&CS
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Award contracts for No Neighborhood Left Behind
1. * Award a contract in the amount of \$1,827,110 to MJ Menefee Construction, Inc. of Fowler, CA and construct Neighborhood Infrastructure Contract No. 1 - General Services Dept/Public Works Dept
Action Taken:
 2. * Award a contract in the amount of \$1,843,536 to Construction Development Systems of Fresno and construct Neighborhood Contract No. 2
Action Taken:
- B. Approve appointment of a member representing the City of Fresno to the Fresno County Transportation Authority - City Clerk's Office
Action Taken:
- C. * **RESOLUTION** – 427th amendment to MFS Resolution No. 80-420 to modify green fees at Riverside and Palm Lakes Municipal Golf Courses - PR&CS
Action Taken:

3. **CITY COUNCIL**

- A. Direct staff to develop a comprehensive Citywide Infrastructure Plan to accomplish the 2025 General Plan, include detailed identification of the need by area, full costs and the financial plan for executing this plan. Upon completion of the draft of the Infrastructure Plan, staff will convene the Fresno 2025 General Plan Infrastructure Plan Summit to finalize the plan. This summit will provide all interested parties the opportunity to see the plan and provide dialog and input on it. The summit should take place at the earliest possible time but no later than June 1, 2005 – Councilmember Duncan

Action Taken:

- B. Request update on Urban Growth Management (UGM) fees audit – Councilmember Dages

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:45 A.M. **HEARING** to consider a resolution of public use and necessity for the acquisition of permanents and rights-of-way for public street purposes from real property located on Elm Avenue between Jensen and North Avenues in the City of Fresno: APN 328-150-10 which is located at the northwest corner of Elm and North Avenues and is owned by Sun & Lion, Inc.; APN 479-040-50 which is located at 2706 S. Elm Avenue and is owned by Javier Gutierrez Manzo (**Property located in District 3**) – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** - Determining that the public interest and necessity require acquisition of permanent easements and rights-of-way for public purposes over, under, through and across real properties for the construction of the Elm Avenue Street widening project and related purposes and authorize eminent domain proceedings for public use and purpose: APN 328-150-10 which is located at the northwest corner of Elm and North Avenues and is owned by Sun & Lion, Inc.; APN 479-040-50 which is located at 2706 S. Elm and is owned by Javier Gutierrez Manzo (**Requires 5 affirmative votes**)

Action Taken:

- 10:00 A.M. **HEARING** to consider an amendment to the text of the Fresno Municipal Code, Text Amendment No. TA-03-02, relating to second dwelling in single family zone districts – Planning and Development Dept.

Action Taken:

- a. * **BILL NO. B-133 - (Intro. 11/30/2004) (For adoption)** – Amending the Fresno Municipal Code relating to second dwellings on single family zoned lots and streamlining the process to refer special permits to Council

Action Taken:

- 10:15 A.M. **HEARING** - To consider the adoption of a resolution to vacate a portion of N. Marks Avenue south of Freeway 99 and authorizing and directing the Public Works Director of the City to execute quitclaim deeds to that fee title to the vacated areas shall pass to Central Valley RV Outlet – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** – Ordering the vacation of a portion of N. Marks Avenue south of Freeway 99 and authorizing and directing the Public Works Director of the City to execute quitclaim deeds to that fee title to the vacated areas shall pass to Central Valley RV Outlet

Action Taken:

- 10:30 A.M. **WORKSHOP** and direction regarding Cal Trans/City partnership – Public Works Dept. and Planning and Development Dept.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.#1

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda.
Presentation limited to three (3) minutes:

- A. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

2:00 P.M. #2

CONTESTED CONSENT CALENDAR

2:00 P.M.#3

CLOSED SESSION

- A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6,

City Negotiator(s): Jon Ruiz

Employee Organization(s):

1. International Association of Firefighters, Local 753 (IAFF)
2. City of Fresno Professional Employees Association (CFPEA)

Action Taken:

- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Samuel Weiner v. City of Fresno, et al.

Action Taken:

2:00 P.M.#4

CLOSED SESSION ANNOUNCEMENTS (IF ANY)

2:30 P.M.

Discussion and direction regarding Community Investment Grant Funding and the United Way Grant Writer Program - Councilmember Sterling and Acting President Perea

- a. Committee report on Community Investment Grant Funding - Council Committee

Action Taken:

1. Approve Committee recommendation to accept the recommendations made by the Human Relations Commission for Community Investment Grant funding

Action Taken:

2. **RESOLUTION** - Authorizing the City Manager to enter into and execute certain grant agreements on behalf of the City of Fresno and repealing Resolution No. 99-226

Action Taken:

- b. Discussion and direction regarding the extension of the United Way Grant Writer Program agreement

Action Taken:

3:00 P.M. *

RESOLUTION – 428th amendment to MFS Resolution No. 80-420 to modify the fire inspection fees under the Fire Department Section – Fire Dept.

Action Taken:

5:00 P.M.#1

HOLIDAY TREE LIGHTING CEREMONY - (2nd floor foyer)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 5:00 P.M.#2 HEARING** to consider Plan Amendment Application No. A-00-23, Rezone Application No. R-00-52, and proposed Final Environmental Impact Report (EIR) No. 10129, filed by DeWayne Zinkin, pertaining to approximately 40 acres located between N. Friant Road, E. Audubon Drive, E. Cole Avenue, and N. Fresno Street (Fresno 40 Development Project) **(Property located in District 6)**
Action Taken:
- a. **RESOLUTION** – Adopting and certifying Final Environmental Impact Report (EIR) No. 10129
Action Taken:
 - b. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Woodward Park Community Plan (Plan Amendment Application No. A-00-23)
Action Taken:
 - c. **BILL** - Amending the Official Zone Map to rezone a portion of the subject property from the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) and R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*) zone districts to the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- | | | | |
|------|------|------------|---|
| Dec. | 14 - | 10:00 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 84, Final Tract Map No. 5247 |
| Dec. | 14 - | 10:05 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 85, Parcel Map No. 03-24 |
| Dec. | 14 - | 10:10 A.M. | HEARING re: Community Facilities District No. 2, Annexation No. 86, Final Tract Map No. 5265 |
| Dec. | 14 - | 10:30 A.M. | HEARING re: Resolution of necessity for public street purposes at the intersection of First and Tulare Streets |
| Dec. | 14 - | 10:45 A.M. | HEARING of the Joint Powers Financing Authority - Approval of Issuance of Bonds for the Financing of the No Neighborhood Left Behind Capital Improvements Project and Improvements to the Municipal Services Center and the Selland Area |
| Dec. | 14 - | 2:30 P.M. | CONTINUED JOINT HEARING re: adoption of Redevelopment Implementation Plans |
| Dec. | 14 - | 2:45 P.M. | HEARING to consider Rezone Application No. R-04-78, filed by Quad Knoph on behalf of Centex Homes, pertaining to approximately 22 acres of property located at the northwest corner of East Hamilton and South Armstrong Avenues |
| Dec. | 14 - | 4:00 P.M. | Appearance by area residents regarding skate parks and potential bike parks – Councilmember Dages |
| Dec. | 14 - | 4:30 P.M. | CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises |
| Dec. | 21 - | | (TENTATIVE MEETING – re: Planning and Development Dept. items) |
| Dec. | 28 - | | NO MEETING – NEW YEAR’S WEEK |
| Jan. | 4 - | | (TIME TO BE DETERMINED) Installation of Mayor and Councilmembers |
| Jan. | 11 - | 10:00 A.M. | HEARING re: formation of Community Facilities District No. 10 |

(Future workshops – dates to be determined)

WORKSHOP re: SEMS